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PTO/SB/33 (07-05)

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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

END920010073US1

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on 01/ /06

Signature \_\_\_\_\_

Typed or printed name Georgia Y. Brundage

Application Number

10/037,175

Filed

11/09/2001

First Named Inventor James R. Doran

Art Unit

2194

Examiner

LeChi Truong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 43,001

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

John R. Pivnichny  
Signature

John R. Pivnichny

Typed or printed name

607-429-4358

Telephone number

01/24/06  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of 1 forms are submitted.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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Docket No.: END920010073US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of: James R. Doran et al

Group Art Unit: 2194	:	IBM Corporation
Examiner: LeChi Truong	:	Intellectual Property Law
Serial No.: 10/037,175	:	Department IQ0A/040-3
Filed: 11/09/2001	:	1701 North Street
Title: ENTERPRISE DIRECTORY	:	Endicott, New York 13760
SERVICE		

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*Georgia Y. Brundage* 1/25/06  
Georgia Y. Brundage Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REASONS FOR REQUESTING A PRE-APPEAL BRIEF REVIEW**

Dear Sir:

The Examiner has finally rejected all of the claims pending in the present application under 35 U.S.C. 103(a) as being unpatentable over Kirkwood (U.S. 6,665,662) in view of Lippert (U.S. 6,356,906).

Applicants responded to this final rejection on 11/15/2005 with arguments on why neither Kirkwood, nor Lippert, nor any combination thereof, describe applicants pending claims. In an Advisory Action dated 12/29/05, the Examiner states his

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disagreement. Based on the Examiner's statement in the Advisory Action, as best can be determined, Applicants feel the Examiner has clearly erred in citing wrapping from a query language to a markup language at a client (Lippert) as describing applicants' wrapper at a web server for accepting a query in a plurality of programming languages. The following detailed description will explain further.

The quotation Lippert cited by the examiner in his Advisory Action of 12/29/05 is found in column 10, lines 22 - 24. As noted by Applicants in their Amendment After Final filed 11/15/05, page 2, third paragraph, Lippert wraps at the client side his query which is in the SQL language, in the XML markup language.

The quotation from Lippert, column 10, lines 22 - 24 merely indicates that the database query language doesn't have to be SQL and the markup language XML but that any database query language can be adapted to any markup language. Those of ordinary skill in this subject matter area would immediately recognize this, whether Lippert had stated it or not.

Lippert, however, is describing his wrap from a query language to a markup language at a client computer. Applicant's claim 1 does not recite wrapping a query language in a markup language at a client computer. Applicant's claim 1 requires a web server having an API coupled to a data store for sending a query to the data store and receiving a directory entry. Claim 1 also requires a wrapper coupled to the API for accepting this query from a user application in a plurality of programming languages. SQL is a query language, not a programming language as defined by examples in Applicant's specification, page 11,

such as JAVA, LOTUS SCRIPT, REXX, and "C". XML is a markup language, not such a programming language in which a user application must send the query as required by claim 1. In fact, claim 1 requires Applicants wrapper, which is coupled to the API at the web server to be adapted to accept the query in a plurality of programming languages. The Examiner has not shown where Lippert describes these unique features of claim 1.

Applicants respectfully request a pre-appeal brief review as noted in the attached form PTO/SB/33.

Respectfully submitted,

Dated: 01-24-06

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